

Ex. E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ELASTICSEARCH, INC., a) Volume 3
Delaware corporation,)
ELASTICSEARCH B.V., a)
Dutch corporation,)
) Case No.
Plaintiffs,) 4:19-cv-05553-YGR
)
vs.)
)
floragunn GMBH, a German)
corporation,)
)
Defendant.)
)

** HIGHLY CONFIDENTIAL **
** UNDER PROTECTIVE ORDER **
** ATTORNEY'S EYES ONLY **

REMOTE VIDEOTAPED DEPOSITION
OF
30(b)(6) CORPORATE REPRESENTATIVE
JOCHEN MICHAEL KRESSIN
Thursday, April 15, 2021
Berlin, Germany

Reported by: B. Suzanne Hull, CSR No. 13495

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APPEARANCES

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The Videographer: Cassia Leet

The Interpreter: Kathi Stock

1 A. I do not know all of the products out there 04:42:43
2 in the Elastic ecosystem from all the vendors; so 04:42:47
3 I cannot tell you an exact list or definite list 04:42:53
4 of -- of products that Search Guard competes with. 04:42:59
5 There are products in the -- in the security space. 04:43:04
6 Products in the security space include, for example, 04:43:10
7 a product that is called ReadonlyREST, and products 04:43:13
8 in the security space would also include Elastic's 04:43:17
9 own security offerings in the -- to the present day. 04:43:22

10 Regarding other functionality we would 04:43:25
11 probably compete with products like Elastalert; 04:43:29
12 products with, like, Skedler; products like Sentinel 04:43:33
13 which are offering alerting functionality for 04:43:39
14 Elasticsearch; and in that sense also the -- 04:43:43
15 Elastic's own offerings. 04:43:47

16 Q. And so throughout the existence of 04:43:48
17 Search Guard the -- the community edition has 04:43:57
18 competed at least with Elastic's own security 04:44:01
19 offerings; correct? 04:44:04

20 A. The community edition of Search Guard has -- 04:44:07
21 has at least competed with Elastic's own offering; 04:44:13
22 however, I like to add that the origins of 04:44:20
23 Search Guard already date back to a date when those 04:44:23
24 security offerings from Elasticsearch existed. 04:44:28

25 Q. But at any time when Elastic was offering 04:44:30

1 security features, the Search Guard community edition 04:44:36
2 was competing with those features; correct? 04:44:40
3 A. When Elasticsearch offered their own 04:44:43
4 security solution, the Elasticsearch security 04:44:49
5 solution competed with Elastic -- the Elastic 04:44:52
6 security plug-in, Elastic Defender; and then 04:44:55
7 ultimately with the Elastic community edition. 04:45:01
8 Q. With what products does the Search Guard 04:45:03
9 enterprise edition compete? 04:45:17
10 MR. KWUN: Objection. Calls for 04:45:22
11 speculation. 04:45:23
12 THE WITNESS: I -- I cannot list all the 04:45:24
13 products that are out in the Elasticsearch ecosystem 04:45:28
14 from -- from -- from particular vendors. The 04:45:32
15 Elastic -- sorry. The Search Guard enterprise 04:45:38
16 edition of Search Guard enterprise features competes 04:45:41
17 with, generally speaking, security solutions for -- 04:45:45
18 for the Elasticsearch ecosystem. 04:45:50
19 BY MR. EBERHART: 04:45:53
20 Q. And those would include Elastic's own 04:45:55
21 security products; correct? 04:45:59
22 A. That would include Elastic's own security 04:46:04
23 products, yes. 04:46:07
24 Q. And just so I have a cleaner question and 04:46:08
25 answer than that, at all times when floragunn offered 04:46:12

1 the Search Guard enterprise edition, the Search Guard 04:46:16
2 enterprise edition competed with Elasticsearch's own 04:46:20
3 security products; correct? 04:46:25

4 A. It competed at least with Elasticsearch's 04:46:27
5 own security products. 04:46:31

6 Q. Okay. And at all times when floragunn 04:46:33
7 offered the Search Guard compliance edition, the 04:46:36
8 Search Guard compliance edition competed at least 04:46:40
9 with Elasticsearch's own security products; correct? 04:46:43

10 A. That is hard to say because the compliance 04:46:51
11 edition contains specific features that the -- 04:46:53
12 Elastic's own security product does not offer; so it 04:47:00
13 offers security features, but it is more towards 04:47:05
14 staying compliant with GDPR, for example; so one 04:47:10
15 could argue both ways. 04:47:16

16 Q. But the compliance edition of Search Guard 04:47:18
17 also includes the features that are included in 04:47:22
18 the -- in the enterprise edition of Search Guard; 04:47:27
19 correct? 04:47:30

20 A. That is correct, yes. 04:47:31

21 Q. And so when a customer of floragunn licenses 04:47:33
22 the Search Guard compliance edition, they are 04:47:38
23 licensing features -- withdrawn. 04:47:41

24 So when a customer licenses the floragunn -- 04:47:46
25 floragunn's Search Guard compliance edition, that 04:47:51

1 customer is licensing a set of features that includes 04:47:54
2 features that include -- that compete with 04:47:57
3 Elasticsearch's products; correct? 04:48:01
4 A. Yes. This is correct, yes. 04:48:04
5 MR. EBERHART: I'm going to mark 04:48:22
6 Exhibit 273. 04:48:27
7 (Deposition Exhibit Number 273 04:48:29
8 was marked for identification.) 04:48:38
9 THE WITNESS: It is not showing up. Let me 04:48:38
10 do a reload. 04:48:41
11 BY MR. EBERHART: 04:48:42
12 Q. I'm still working on it. 04:48:43
13 A. Oh, okay. 04:48:45
14 Q. Okay. Exhibit Share is taking its time. 04:48:46
15 Okay. It should be up now. Let me know 04:49:45
16 when you can see it. 04:50:00
17 A. Yeah. Just a second. 04:50:01
18 Okay. Yes. I have it in front of me. 04:50:03
19 Q. Okay. And so Exhibit 273 is an e-mail chain 04:50:13
20 among you, Claudia Kressin, and a third individual; 04:50:25
21 correct? 04:50:40
22 A. Let me have a quick look. From the header 04:50:41
23 I can see it is between Claudia Kressin, me, and 04:50:45
24 a third individual, yes. 04:50:48
25 Q. And that third individual is someone outside 04:50:50

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF KERN)
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5 I, B. Suzanne Hull, a Certified Shorthand
6 Reporter in the State of California, holding
7 Certificate Number 13495, do hereby certify that
8 JOCHEN MICHAEL KRESSIN, the witness named in the
9 foregoing deposition, was by me duly sworn; that said
10 deposition, was taken Thursday, April 15, 2021, at
11 the time and place set forth on the first page
12 hereof.

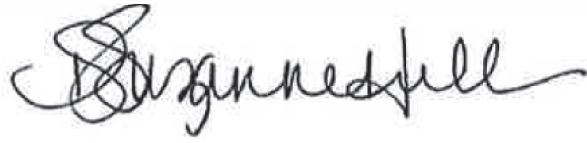
13 That upon the taking of the deposition, the
14 words of the witness were written down by me in
15 stenotypy and thereafter transcribed by computer
16 under my supervision; that the foregoing is a true
17 and correct transcript of the testimony given by the
18 witness.

19 Pursuant to Federal Rule 30(e), transcript
20 review was requested.

21 I further certify that I am neither counsel
22 for nor in any way related to any party to said
23 action, nor in any way interested in the result or
24 outcome thereof.

25 ///

1 Dated this 17th day of April, 2021, at
2 Bakersfield, California.

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4 B. Suzanne Hull, CSR No. 13495
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